

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Dietrich KLINGLER et al.

Title: CONTROL DEVICE
COMPRISING A ROLLER
BAND CASSETTE

Appl. No.: 10/524,739

International 8/12/2003

Filing Date:

371(c) Date: 04/15/05

Examiner: O'Reilly, Patrick

Art Unit: 3749

Confirmation 1588
Number:

**REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT FOR
PATENT APPLICATION UNDER 37 C.F.R. §1.705(b)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants have calculated PTA for the captioned patent application and have determined that the patent is entitled to 1299 days of Patent Term Adjustment, as shown on the attached sheet, which shows the relevant delays under 37 CFR §§1.702, 1.703 and 1.704:

(a) Total PTO delay: 1356 days

(b) Total Applicant delay: 57 days

Final PTA Determination under 37 CFR §1.703(f): 1299 days

In accordance with 1.705(b)(2)(ii), the relevant dates as specified in §§1.703(a) through (e) for which an adjustment is sought and the adjustment as specified in § 1.703(f) to which the patent is entitled are clearly represented in the attached PTA Calculation. In accordance with §1.705(b)(2)(iv)(A), the circumstances during the prosecution of the application resulting in the patent that constitute a failure to engage in reasonable efforts to conclude processing or examination of such application as set forth in § 1.704 are clearly represented in the attached PTA Calculation.

The Applicants disagree with a specific aspect of the PTO's determination of PTA. The PTO charged 167 "Applicant Days" in connection with Applicants' Information Disclosure Statement filed on February 12, 2009. However, as stated in that IDS, the IDS was filed within 30 days of the receipt of the foreign office action. Therefore, the applicants should not have been charged 167 Applicant Days. Thus, 167 days should be added to the PTO's determination of total PTA Days. That is, the proper PTA days should be 1299 (1132 PTA Days as calculated by PTO + 167 days incorrectly charged as Applicant Days).

Applicants therefore respectfully request that the patent be accorded 1299 days PTA.

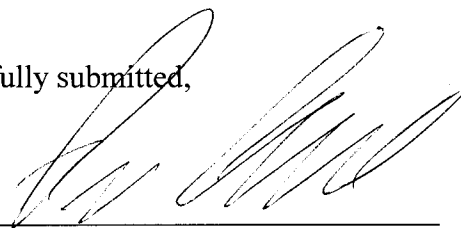
Fees in the amount of \$200.00 set forth in 37 C.F.R. § 1.18(e) to cover the fee for this request are being paid by credit card via EFS-Web.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. § 1.705, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

However, because this PTA error is due to a Patent Office error in interpreting and applying the PTA statute, a refund of the fee is respectfully requested.

Respectfully submitted,

By



Date April 30, 2010

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Patent Term Adjustment Calculation System

Add a new event to this case

Docket Number: 016906-0370
Application Number: 10/524739
Patent Number: N/A

	Event Description	Event Date	Days from Filing	PTO Days	Applicant Days
Edit Delete	Priority Date	08/16/2002	-915		
CLOSE WINDOW	ALL CASES SELECT CASE				
Edit Delete	International Filing Date	08/12/2003	-554		
	PCT National Stage Commencement Date	02/16/2005	0		
Edit Delete	National Stage Entry (All 371(c) Requirements Met)	04/15/2005	58		
	14 month From Application date	06/15/2006	484		
	3 Year Period Starts	02/16/2008	1,095		
Edit Delete	Non-Final Office Action	05/30/2008	1,199	(715)	
Edit Delete	Non-Final Office Action Rsp. Rcv'd at PTO	08/29/2008	1,290		
	Non-Final Office Action Rsp. Rcv'd at PTO + 4 mo	12/29/2008	1,412		
Edit Delete	Notice of Allowance	10/07/2009	1,694	(282)	
Edit Delete	Issue Fee Paid	01/05/2010	1,784		
Edit Delete	Post-Allowance Document Received at PTO	01/05/2010	1,784		
Edit Delete	Patent Grant Date	03/02/2010	1,840	(745) 1356	57
	Totals:			1,356	57
	PTA:			1,299	

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